

AGENDA

SPECIAL MEETING OF THE COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS (PUBLIC HEARING)

March 16, 2010

Aldermen Lopez, DeVries,
O'Neil, Osborne, Corriveau,

4:30 PM

Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman Lopez calls the meeting to order.
2. The Clerk calls the roll.
3. Chairman Lopez advises the purpose of this public hearing is to hear those wishing to speak in favor or in opposition to a proposed Building Code Ordinance Amendment. The Clerk will present the proposed Ordinance change for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition. Anyone wishing to speak must first step to the nearest microphone when recognized and state his/her name and address in a clear, loud voice for the record. Each person will be given only one opportunity to speak and any questions must be directed to the Chair.
4. The Clerk presents the proposed Building Code Ordinance change:

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the 2009 edition of the International Existing Building Code as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”
5. Chairman Lopez requests Leon LaFreniere, Director of Planning and Community Development, to make a presentation.
6. Chairman Lopez calls for those wishing to speak in favor of the proposed Building Code Ordinance change.

7. Chairman Lopez calls for those wishing to speak in opposition of the proposed Building Code Ordinance change.
8. Chairman Lopez advises that all those wishing to speak have been heard. The testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen.
9. If there if no further business, a motion is in order to adjourn.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the proposed Building Code Ordinance Amendment:

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the 2009 edition of the International Existing Building Code as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”


be referred to a public hearing.

(Unanimous vote)

Respectfully submitted,


Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held March 2, 2010 on a motion of Alderman Lopez, duly seconded by Alderman Roy, the report of the Committee was accepted and its recommendations adopted.


City Clerk



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Planning & Land Use Management
Building Regulations
Community Improvement Program
Zoning Board of Adjustment

Leon L. LaFreniere, AICP
Director

Pamela H. Goucher, AICP
Deputy Director Planning & Zoning

Matthew M. Sink
Deputy Director Building Regulations

MEMORANDUM

To: Honorable Board of Mayor and Aldermen

Date: January 25, 2010

From: Leon L. LaFreniere, AICP *LLF*
Director of Planning and Community Development

In Board of Mayor and Aldermen

Date: 2/2/10

On motion of Ald. O'Neil

Seconded by Ald. Roy

Voted to refer to the Committee on
Administration/Information Systems.

Matthew M. Sink
City Clerk

Subject: Proposed Building Code amendment

Attached is a proposed ordinance amendment adopting the 2009 edition of the International Existing Building Code as part of the group of model codes enforced by the City when existing buildings are proposed to be altered or rehabilitated.

It is not intended to replace any existing codes but to augment them in an effort to provide options to building owners, their tenants or developers looking to invest in and upgrade their properties while spurring economic development and encouraging the re-use of otherwise under or un-used buildings.

At the advisement of the Mayor, I respectfully request that this proposal be forwarded to the Committee on Administration for review.

4-2

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding *the 2009 edition of the International Existing Building Code* as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Note: Deletions noted or shown as ~~struck-through~~; new text shown *italicized*.

SECTION 1. The following sections are hereby revised as follows:

Amend the opening paragraph to read as follows:

Repealing the 1987 BOCA National Building Code as adopted in Section 151.01 of the City of Manchester Code of Ordinances, and adopting the 2000 editions of the International Building Code, International Mechanical Code and the International Fuel Gas Code, *the 2009 edition of the International Existing Building Code*, as well as the 1999 edition of The National Electric Code and the 1993 edition of the BOCA Plumbing Code; establishing minimum regulations governing buildings and structures; and establishing fees for the issuance of permits and certificates for the construction and occupancy of buildings and structures.

CHAPTER 34 EXISTING STRUCTURES.

Amend section 3401.3 as follows:

3401.3 Compliance with other codes. Alterations, repairs, additions, *relocation*, and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions, *relocation*, and changes of occupancy in the *International Existing Building Code*, *2009 Edition*, International Fire Code 2000 Edition, International Fuel Gas Code, 2000 Edition, BOCA National Plumbing Code, 1993 Edition, International Mechanical Code, 2000 Edition.

SECTION 2. The following amendments shall be made part of the International Existing Building Code:

INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION

101.1 Title. These regulations shall be known as the Existing Building Code of the *City of Manchester, New Hampshire*, hereinafter referred to as “this code”.

101.4.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, ~~or the International Property Maintenance Code~~, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the *2009 edition of the International Existing Building Code* as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. ~~Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall govern.~~

103.1 Creation of enforcement agency. ~~The Department of Building Safety Planning and Community Development Department~~ is hereby created the enforcement agency of this code, and the official in charge thereof shall be known as the code official.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provision of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the ~~Department of Building Safety Planning and Community Development Department~~.

104.10.1 Flood hazard areas. For existing buildings located in flood hazard areas for which repairs, alterations and additions constitute substantial improvement, the code official shall not grant modifications to provisions related to flood resistance ~~unless a determination is made that in compliance with Section 7.03 of the Zoning Ordinance of the City of Manchester.~~

Note: Delete remainder of section.

105.2 Work exempt from permit. ~~Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be in any manner in violation of the provisions of this code or other laws or ordinances of this jurisdiction. Permits shall not be required for the following; shall comply with Section 105.2 of the Building Code of the City of Manchester.~~

Note: Delete remainder of section

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the ~~Department of Building Safety~~ for that purpose. Such application shall:

1. Identify and describe the work in accordance with Chapter 3 to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the 2009 edition of the International Existing Building Code as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

4. Be accompanied by construction documents and other information as required in Section 106.3.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the code official.

109.3.7 Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws. ~~that are enforced by the Department of Building Safety.~~

110.2 Certificate issued. After the code official inspects the building and finds no violations of the provisions of this code or other laws. ~~that are enforced by the Department of Building Safety,~~ the code official shall issue a certificate of occupancy that shall contain the following:

1. The building permit number .
2. The address of the structure .
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the code official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy in accordance with the provisions of the International Building Code.
9. The type of construction as defined in the International Building Code.
10. The design occupant load and any impact the alteration has on the design occupant load of the area not within the scope of the work.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the building permit.

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

"Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the 2009 edition of the International Existing Building Code as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Section 302 ADDITIONS

302.2 Flood hazard areas. For building and structures in flood hazard areas established in Section 7.03 of the City of Manchester Zoning Ordinance 1612.3 of the International Building Code, any addition that constitutes "substantial improvement" of the existing structures, as defined in Section 1612.2 of the International Building Code, shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

~~For building and structures in flood hazard areas established in Section 1612.3 of the International Building Code, any additions that do not constitute substantial improvement or substantial damage of the existing structure, as defined in Section 1612.2 of the International Building Code are not required to comply with the flood design requirements for new construction.~~

Section 303 ALTERATIONS

303.2 Flood hazard areas. For buildings and structures in flood hazard areas established in Section 7.03, of the City of Manchester Zoning Ordinance 1612.3 of the International Building Code any alteration that constitutes substantial improvement of the existing structure as defined in Section 1612.2 of the International Building Code shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

~~For buildings and structures in flood hazard areas established in Section 1612.3 of the International Building Code, any alterations that do not constitute substantial improvement or substantial damage of the existing structure as defined in Section 1612.2 of the International Building Code, are not required to comply with the flood design requirements for new construction.~~

Section 304 REPAIRS

304.5 Flood hazard areas. For building and structures in flood hazard areas established in Section 7.03 of the City of Manchester Zoning Ordinance 1612.3 of the International Building Code, any repair that constitutes substantial improvement of the existing structure, as defined in Section 1612.2 of the International Building Code, shall comply with the flood design requirements for new construction and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

~~For buildings and structures in flood hazard areas established in Section 1612.3 of the International Building Code, any repairs that do not constitute substantial improvement or substantial damage of the existing structures, as defined in Section 1612.2 of the International Building Code, are not required to comply with the flood design requirements for new construction.~~

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

"Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the 2009 edition of the International Existing Building Code as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Section 308 HISTORIC BUILDINGS

308.2 Flood hazard areas. Within flood hazard areas established in accordance with Section 7.03 of the City of Manchester Zoning Ordinance, ~~1612.3 of the International Building Code,~~ where the work proposed constitutes substantial improvement, ~~as defined in Section 1612.2 of the International Building Code,~~ the building shall be brought into conformance with Section 1612 of the International Building Code.

Note: Delete remainder of section

1101.4 Flood hazard areas.

Note: Delete all exceptions.

1201.2 Conformance. The building shall be safe for human occupancy as determined by the International Fire Code ~~and the International Property Maintenance Code.~~ Any repair, alteration, or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the International Building Code or the International Residential Code as applicable.

1301.2 Applicability. Structures existing prior to *September 4, 2001*, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions of Sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

1301.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the International Fire Code ~~and International Property Maintenance Code.~~

SECTION 3. That the City Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval as required by law.